

AMENDMENTS TO THE DRAWINGS

Enclosed in the Appendix are amended versions of Figures 4-6, in which reference numerals 120a, 120b and 542 have been added, consistent with the Specification (as amended). In accordance with the Office's revised format, the pages containing these drawings have each been labeled "Replacement Sheet."

REMARKS

Claims 1-23 and 25-71 were pending, with claims 56-60 withdrawn, when the present Office Action was mailed (April 18, 2006). In this response, claims 8, 28-31, 44, 56-60 and 71 have been cancelled, claims 1, 19, 40 and 61 have been amended, and new claims 72-85 have been added. Accordingly, claims 1-7, 9-23, 25-27, 32-43, 45-55, 61-70, and 72-85 are currently pending.

In the April 18, 2006 Office Action, several of the claims were rejected and the remaining claims were objected to, but were indicated to be allowable if rewritten to be in independent form. More specifically, the status of the application in light of the April 18, 2006 Office Action is as follows:

- (A) The drawings were objected to;
- (B) Claims 19, 20, 22, 23, 26, 27, 32, 36, 38 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,938,688 to Schiff ("Schiff");
- (C) Claim 25 stands rejected under 35 U.S.C. § 102(b), or in the alternative, 35 U.S.C. § 103(a) on the basis of Schiff;
- (D) Claims 19, 20 and 26-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,944,497 to Stypulkowski ("Stypulkowski");
- (E) Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiff;
- (F) Claims 1-6, 12, 14-16, 21, 40, 41, 47, 49-54 and 61-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiff in view of U.S. Published Application No. 2004/0082847 to McDermott ("McDermott");
- (G) Claims 7, 10, 42, 45, 67 and 70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schiff in view of McDermott and further in view of an article

entitled "Cortical Language Activation in Stroke Patients Recovering From Aphasia with Function MRI," to Cao et al. ("Cao");

(H) Claims 61, 63 and 65 stand rejected on the basis of nonstatutory double patenting over claims of U.S. Patent No. 6,959,215; and

(I) Claims 8, 9, 11, 13, 17, 18, 29-31, 35, 37, 43, 44, 46, 48, 55, 68, 69 and 71 stand objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten to be in independent form.

A. Response to the Objection to the Drawings

The drawings were objected to because the reference number "120" was allegedly used to designate the brain as well as various portions of the brain. The undersigned attorney wishes to clarify that reference number 120 has been used consistently in the specification to refer to the brain, and that particular areas of the brain including the left side, the right side and the cortex were generally referred to in the specification in combination with a reference to the brain 120. However, in an effort to further clarify the specification, the specification and the drawings have been amended to use reference number 120a when referring to the left side of the brain, and reference number 120b when referring to the right side of the brain. The cortex, referred to initially in paragraph 41, is identified with reference number 738 when discussed in greater detail in paragraphs 45, 46 and 49. Figures 4-6 have been amended to be consistent with the addition of reference numerals 120a and 120b, and Figure 6 has also been amended to add reference number 542 (indicated by the Examiner to be missing). Accordingly, the outstanding objections to the drawings should be withdrawn.

B-G. Response to the Claim Rejections Under Section 102 and 103

Claims 8, 28-31, 44, 56-60 and 71 have been cancelled and accordingly, the outstanding rejections of the claims are now moot. Without commenting on or conceding the merits of the claim rejections, and without prejudice to pursuing these claims in their original form in a continuation or other application, all the remaining pending claims either include subject matter indicated by the Examiner to be allowable, or depend from such

claims, as discussed in greater detail below under heading I. Accordingly, all the outstanding claim rejections on the basis of Sections 102 and 103 should be withdrawn.

H. Response to the Double Patenting Rejection

Claims 61-63 and 65 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims in U.S. Patent No. 6,959,215. Without commenting on or conceding the merits of the double patenting rejection, and in an effort to expedite prosecution of the present application, applicants enclose a terminal disclaimer referencing U.S. Patent No. 6,959,215. Accordingly, the double patenting rejection should be withdrawn.

I. Response to the Indication of Allowable Subject Matter

Claims 8, 9, 11, 13, 17, 18, 29-31, 35, 37, 43, 44, 46, 48, 55, 68, 69 and 71 were all objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten to be in independent form. Claim 8 has been rewritten to be in independent form by amending claim 1 to include the elements of this claim. Claim 29 has been amended to be in independent form by adding the elements of claim 29 to independent claim 19, from which it depends. Claim 44 has been amended to be in independent form by adding the elements of this claim to independent claim 40, from which it depends. Claim 71 has been amended to be in independent form by adding the elements of this claim to claim 61, from which it depends.

New claims 72-86 correspond to claims 9, 11, 13, 17, 18, 30, 31, 35, 43, 46, 48, 55, 68, 69, and 37 respectively.

In light of the foregoing, the outstanding claim objections should be withdrawn.

J. Conclusion

In light of the foregoing amendments and remarks, all the claims are now in condition for allowance. If the Examiner notices any informalities or other matters that may be expediently handled by telephone, she is encouraged to contact the undersigned attorney by telephone to resolve such matters.

Dated: July 18, 2006

Respectfully submitted,

By 

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APPENDIX

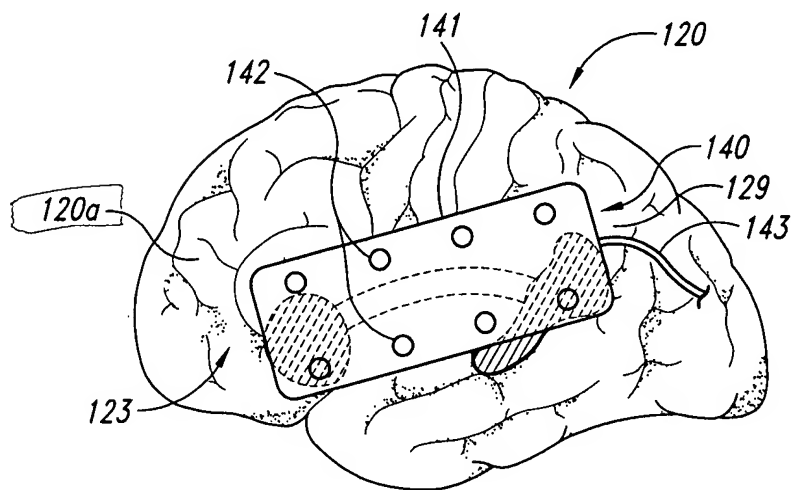


Fig. 4

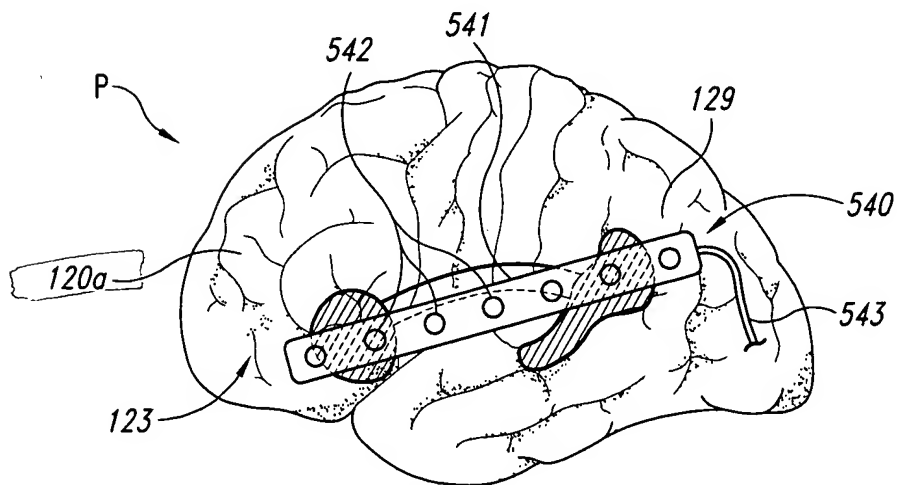


Fig. 5

REPLACEMENT SHEET

4/6

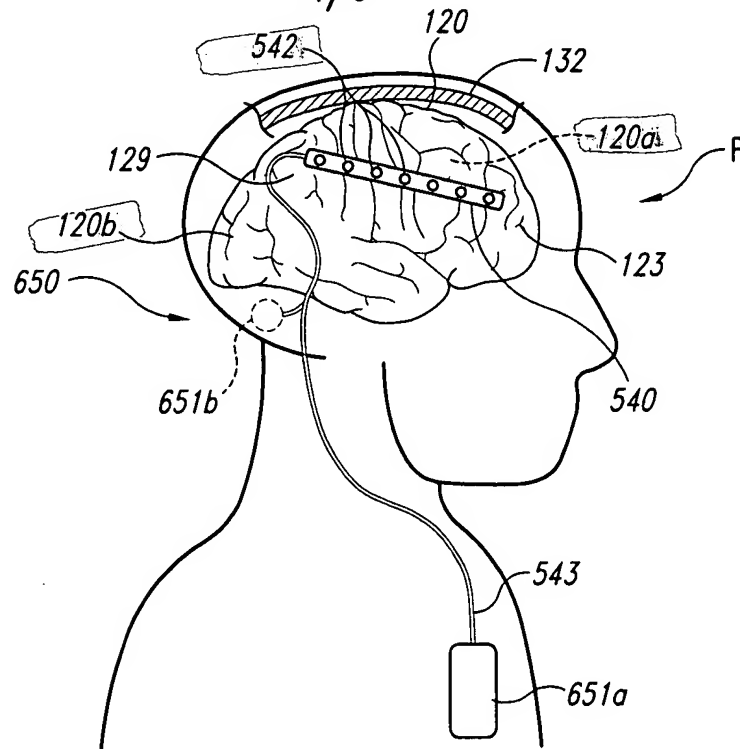


Fig. 6

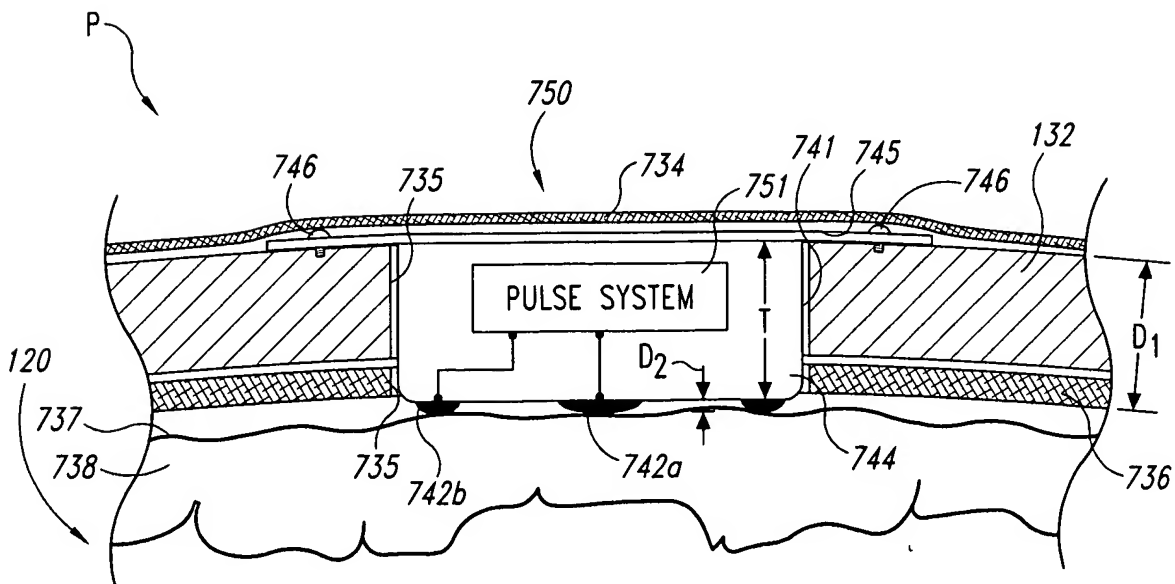


Fig. 7